

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT,

OAH CASE NO. 2012080739

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012080747

ORDER GRANTING MOTION TO
CONSOLIDATE

On August 23, 2012, Student filed a Request for Due Process Hearing (complaint) against the Placentia-Yorba Linda Unified School District (District) in Office of Administrative Hearings (OAH) case number 2012080739 (First Case). On August 24, 2012, OAH issued a scheduling order for the First Case setting mediation for September 26, 2012, the prehearing conference (PHC) for October 10, 2012, at 1:30 p.m., and the due process hearing (hearing) for October 17, 2012, and continuing day-to-day Monday through Thursday.

On August 23, 2012, the District filed a complaint against Student, in OAH case number 2012080747 (Second Case). On August 24, 2012, OAH issued a scheduling order for the Second Case, the PHC for September 17, 2012, at 10:00 a.m., and the hearing for September 25, 2012, and continuing day-to-day.

On September 12, 2012, the parties filed a joint Motion to Consolidate the First Case with the Second Case.

APPLICABLE LAW AND DISCUSSION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate

matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

The First Case and Second Case involve a common question of law and fact regarding the adequacy of the District's April 26, 2012 assessment plan and how the District developed that plan. While Student's complaint alleges violations regarding the District's alleged failure to develop an individualized education program, which purportedly denied Student a free appropriate public education, the central issue in both cases is the adequacy of the District's assessment plan. Without consolidation, there would be a danger of inconsistent rulings. Therefore, the parties' joint Motion to Consolidate is granted as consolidation furthers judicial economy and prevents inconsistent rulings.

ORDER

1. The parties' joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case number 2012080747 (Second Case) are vacated. The consolidated cases shall proceed on the dates scheduled in OAH Case number 2012080739 (First Case) which are: mediation for September 26, 2012, the PHC for October 10, 2012, at 1:30 p.m., and the hearing for October 17, 2012, and continuing day-to-day Monday through Thursday.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2012080739 (First Case).

Dated: September 13, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings